

FORM 36-II: Demand for Information (Individual employed by Materials Licensee)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
) IA-YY-XXX
(Individual's name))
)
)

DEMAND FOR INFORMATION

I

[Double space from here to end, except single space title of signing official.]

[Set forth the name of the person to whom the Demand is to be issued, and his or her relationship to the licensee -- for example:

(Individual's name) is employed as a _____ at _____ Hospital (Licensee) in _____. _____ Hospital holds License No. _____ issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part __ on (date). The license authorizes _____ in accordance with the conditions specified therein. (Individual's name) is listed on the license as _____.]

II

[This section should provide a description of relevant events, facts, violations, technical or legal reasons that provide the substantive basis for issuing the Demand. The following is provided as a sample discussion for this section.]

[On (date), the NRC, Region __, received information that _____. In response to this information, NRC initiated a special safety inspection (investigation) of licensed activities. The inspection (investigation), which is still ongoing, to date has established:

1. _____
2. _____
3. _____

Based on the above, it appears that (Individual's name), an employee of the Licensee, has engaged in deliberate misconduct in providing false information to the NRC, and raises serious doubts as to whether (Individual's name) can be relied upon to comply with NRC requirements and to provide complete and accurate information to the NRC. Therefore, further information is needed to determine whether the Commission can have reasonable assurance that in the future (Individual's name) will (e.g., provide complete and accurate information to the Commission) and otherwise conduct activities in accordance with the Commission's requirements.]

III

¹Accordingly, pursuant to sections 161b, 161c, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204, the Commission needs the following information to determine whether enforcement action should be taken against you to ensure future compliance with NRC requirements:

[Specifically list the necessary information, e.g.:

- A. _____
- B. _____
- C. _____]

You may provide any other information that you want the NRC to consider, including whether the statements made in Section II are correct. You may respond to this Demand for Information by filing a written answer under oath or affirmation or by setting forth your reasons why this Demand for Information should not have been issued if the requested information is not being provided. The response to this Demand for Information is to be submitted to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, within ____ days of the date of this Demand for Information, in writing and under oath or affirmation. Copies also shall be sent to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, and to the Regional Administrator, NRC Region __, ____ (regional address).

Upon review of your answer, or if no answer is filed, the Commission may institute a proceeding pursuant to 10 CFR 2.202 or take such other action as may be necessary to ensure compliance with regulatory requirements. Your response to the Demand for Information will be considered before a

¹Include "104b" if any of the licenses subject to the order were issued under 104b.

decision is made in this matter. However, if no answer is filed, we will proceed on the basis of available information.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

FOR THE NUCLEAR REGULATORY COMMISSION

_____, Director
Office of Enforcement

Dated this ____ day of (Month), 20 (XX)